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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/747,682	BEN-YOSEPH, ROY	
	Examiner	Art Unit	
	shaq taha	2146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Statyus

1) Responsive to communication(s) filed on 05 April 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 - 49 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1 - 49 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. ____ .
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 04/05/07, 3/28/07, 02/23/2007. 5) Notice of Informal Patent Application
6) Other: ____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dieterman et al. (US 6,393,464) as applied to claim 1, and further in view of Mendiola et al. (US 6,920,478).

- Regarding claim 1 & 23 & 45, Dieterman teaches a method for controlling the delivery of electronic mail, (**See Abstract**).

Dieterman et al. differs from the claimed invention is that a method of providing online presence is not taught in Dieterman et al.

Mendiola teaches a method of providing online presence, **[a method and system for tracking and specifying the online status of users of the system, (Column 1, lines 10 – 13)]**;

information: accessing a list of people inferred as known to a user, **[a target user can be added to a particular buddy list of a user, (Column 2, lines 17 – 19)]**;

accessing online presence information for the user, **[specifying the online status of a user forming part of an instant messaging system, (Column 3, lines 17 – 19) & (Fig. 7, Ref # 709)]**;

determining a potential receiver of the online presence information, **[checking means to check the activity status of each user stored on said database, (Column 3, lines 34 - 36) & (Fig. 7, Ref # 701, 705)]**;

Dieterman further teaches comparing the potential receiver to the accessed list to determine if the potential receiver is included on the list, **[Fig. 4, the recipients of the outgoing message are compared to the identities appearing on the allowed list, step 72]**; and determining whether to communicate the online presence information to the potential receiver based on whether the potential receiver is included in the list, **[Fig. 4, a determination is made whether each designated recipient is on the list, step 73]**.

Regarding claims 3 & 25, Mendiola teaches the method wherein determining whether to communicate the online presence information to the potential receiver comprises determining whether to communicate the online presence information to an instant messaging application of the potential receiver, **[Fig. 2, Ref # 11]**.

Regarding claims 4 & 26, Mendiola teaches the method wherein determining whether to communicate the online presence information to the potential receiver comprises determining whether to display the online presence information on a web page, **[This content directs the browser to query the server for**

messages to the user at set intervals, and also notifies the IM system that the user is still online, (Column 9, lines 50 – 55].

Regarding claims 5 & 27, Mendiola teaches the method wherein determining whether to communicate the online presence information to the potential receiver comprises determining whether to display the online presence information in member search results, [(Fig. 7, Ref # 711) & (Fig. 1, Ref # 101, 102)].

Regarding claims 6 & 28, Mendiola teaches the method wherein determining whether to communicate the online presence information to the potential receiver comprises determining whether to display the online presence information in a member profile, [Fig. 1, Ref # 104].

Regarding claims 7 & 29, Mendiola teaches the method wherein determining whether to communicate the online presence information to the potential receiver comprises determining whether to communicate the online presence information to the potential receiver when a request for online presence information is received from the potential receiver, [Fig. 7, Ref # 705, 709].

Regarding claims 8 & 30, Mendiola teaches the method wherein determining whether to communicate the online presence information to the potential receiver comprises determining whether to communicate the online presence information to the potential receiver absent a request from the potential receiver for the online presence information, [Fig. 7, Ref # 705, 709].

Regarding claims 11 & 33, Mendiola teaches the method wherein the positive actions include replying to, forwarding, saving, or printing e-mail received from the person, [Fig. 1, Ref # 101, 102, 103, 104].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Dieterman by including accessing online presence information for the user as taught by Mendioal.

One of ordinary skill in the art would have been motivated to make this Modifications in order to provide the advantage of accessing online presence information for the user.

- Regarding claim 2, Dieterman teaches the method wherein determining whether to communicate the online presence information to the potential receiver comprises determining to not communicate the online presence information to the potential receiver when the potential receiver is not included in the list, [Fig. 4, Ref # 73, 74, and 77].
- Regarding claim 9, Dieterman teaches that the method further comprising: inferring that a person is known to the user based on positive user actions related to e-mail communications from the person, **[Each message sent by or sent to the user will be categorized as either authorized if the other party to the communication appears on the allowed list, or unauthorized if the other party does not appear on the allowed list, (Column 2, lines 3 – 7)];**

adding the inferred person to the list, [The administrator may view the content of the allowed list and add, delete and edit the identities of entities appearing on the allowed list, (Column 3, lines 54 – 57)].

- Regarding claim 10, Dieterman teaches the method wherein the positive actions include sending an e-mail to the person, [Figure 2, Ref # 17].
- Regarding claim 12, Dieterman teaches the method wherein the positive actions include moving an e-mail from a first folder to a second folder, [Fig. 9, (outbox), Fig. 10, (inbox)].
- Regarding claim 13, Dieterman teaches the method wherein the first folder is an inbox folder and the second folder is a folder other than a delete folder or a spam folder, [Fig. 9, (outbox), Fig. 10, (inbox)].
- Regarding claim 14, Dieterman teaches the method wherein the positive action includes leaving an e-mail from the person open for a predetermined period of time, [If approval is not given, step 60, the message will be deleted after a predetermined amount of time, (Column 5, lines 44 - 46)].
- Regarding claim 15, Dieterman teaches that the method further comprising: inferring that a person is known to the user based, at least in part, on detecting a

communication between the user and the person, **[almost anyone with a computer can communicate with other computer users to send and receive messages, (Column 1, lines 12 – 15)]**;

adding the inferred person to the list, **[The administrator may view the content of the allowed list and add, delete and edit the identities of entities appearing on the allowed list, (Column 3, lines 54 – 57)]**.

- Regarding claim 16, Dieterman teaches the method wherein the communication is an instant messaging communication, **[Fig. 1, Ref # 111]**.
- Regarding claim 17, Dieterman teaches that the method further comprising inferring that a person is known to the user, wherein inferring comprises: accessing a contact list of the user to determine a first contact on the user's contact list, **[Fig. 7]**;
and accessing a contact list of the first contact to determine a second contact on the first contact's contact list, **[Fig. 8]**.
- Regarding claim 18, Dieterman teaches that the method further comprising inferring that a person is known to the user based, at least in part, on detecting user actions that mitigate against factors that otherwise are used to infer a person is known to the user, **[a method for controlling the delivery of electronic messages sent to and sent by a user. Specifically, the method**

comprises the steps of: creating an allowed list comprised of electronic entity identifications with whom the user is permitted to freely exchange messages, (Column 2, lines 20 – 25)].

- Regarding claim 19, Dieterman teaches the method wherein the user actions comprise the user taking steps to report a communication from the person as spam, **[Fig. 6, Ref # 88].**
- Regarding claim 20, Dieterman teaches the method wherein the user actions comprise the user taking steps to add a person to a blacklist, **[Fig. 2, Ref # 15, 16, 17].**
- Regarding claim 21, Dieterman teaches the method wherein the user actions comprise the user taking steps to move a communication from the person to either of a spam folder or a delete folder, **[Fig. 4, Ref # 77].**
- Regarding claim 22, Dieterman teaches that the method further comprising: enabling the user to expressly designate a person as known to the user, **[Each message sent by or sent to the user will be categorized as either authorized if the other party to the communication appears on the allowed list, (Column 2, lines 3 – 5)].**

and adding the designated person to the list, **[The administrator may view the content of the allowed list and add, delete and edit the identities of entities appearing on the allowed list, (Column 3, lines 54 – 57)].**

- Regarding claim 24, Dieterman teaches the medium wherein, to determine whether to communicate the online presence information to the potential receiver, the computer program further comprises instructions for causing the computer to determine to not communicate the online presence information to the potential receiver when the potential receiver is not included in the list, **[Fig. 4, Ref # 73, 74, and 77].**
- Regarding claim 31, Dieterman teaches the medium wherein the computer program further comprises instructions for causing the computer to: infer that a person is known to the user based on positive user actions related to e-mail communications from the person, **[Each message sent by or sent to the user will be categorized as either authorized if the other party to the communication appears on the allowed list, or unauthorized if the other party does not appear on the allowed list, (Column 2, lines 3 – 7)]; add the inferred person to the list, [The administrator may view the content of the allowed list and add, delete and edit the identities of entities appearing on the allowed list, (Column 3, lines 54 – 57)].**

- Regarding claim 32, Dieterman teaches the medium wherein the positive actions include sending e-mail to the person, **[Figure 2, Ref # 17]**.
- Regarding claim 34, Dieterman teaches the medium wherein the positive actions include moving e-mail from a first folder to a second folder, **[Fig. 9, (outbox), Fig. 10, (inbox)]**.
- Regarding claim 35, Dieterman teaches the medium wherein the first folder is an inbox folder and the second folder is a folder other than a delete folder or a spam folder, **[Fig. 9, (outbox), Fig. 10, (inbox)]**.
- Regarding claim 36, Dieterman teaches the medium wherein the positive action includes leaving e-mail from the person open for a predetermined period of time, **[If approval is not given, step 60, the message will be deleted after a predetermined amount of time, (Column 5, lines 44 - 46)]**.
- Regarding claim 37, Dieterman teaches the medium wherein the computer program further comprises instructions for causing the computer to: inferring that a person is known to the user based, at least in part, on detecting a communication between the user and the person, **[almost anyone with a computer can communicate with other computer users to send and receive messages, (Column 1, lines 12 – 15)]**; adding the inferred person to the list,

[The administrator may view the content of the allowed list and add, delete and edit the identities of entities appearing on the allowed list, (Column 3, lines 54 – 57)].

- Regarding claim 38, Dieterman teaches the medium wherein the communication is an instant messaging communication, **[Fig. 1, Ref # 111]**.
- Regarding claim 39, Dieterman teaches the medium wherein the computer program further comprises instructions for causing the computer to infer that a person is known to the user and wherein, to infer that a person is known to the user the computer program further comprises instructions for causing the computer to: access a contact list of the user to determine a first contact on the user's contact list, **[Fig. 7]**; and access a contact list of the first contact to determine a second contact on the first contact's contact list, **[Fig. 8]**.
- Regarding claim 40, Dieterman teaches the medium wherein the computer program further comprises instructions for causing the computer to infer that a person is known to the user based, at least in part, on detecting user actions that mitigate against factors that otherwise are used to infer a person is known to the user, **[a method for controlling the delivery of electronic messages sent to and sent by a user. Specifically, the method comprises the steps of: creating an allowed list comprised of electronic entity identifications with**

whom the user is permitted to freely exchange messages, (Column 2, lines 20 – 25)].

- Regarding claim 41, Dieterman teaches the medium wherein the user actions comprise the user taking steps to report a communication from the person as spam, **[Fig. 6, Ref # 88]**.
- Regarding claim 42, Dieterman teaches the medium wherein the user actions comprise the user taking steps to add a person to a blacklist, **[Fig. 2, Ref # 15, 16, 17]**.
- Regarding claim 43, Dieterman teaches the medium wherein the user actions comprise the user taking steps to move a communication from the person to either of a spam folder or a delete folder, **[Fig. 4, Ref # 77]**.
- Regarding claim 44, Dieterman teaches the medium wherein the computer program further comprises instructions for causing the computer to: enable the user to expressly designate a person as known to the user, **[Each message sent by or sent to the user will be categorized as either authorized if the other party to the communication appears on the allowed list, (Column 2, lines 3 – 5)]**; and add the designated person to the list, **[The administrator may**

view the content of the allowed list and add, delete and edit the identities of entities appearing on the allowed list, (Column 3, lines 54 – 57)].

- Regarding claim 46, Dieterman teaches that the method further comprising:
inferring that the user knows a person, **[Each message sent by or sent to the user will be categorized as either authorized if the other party to the communication appears on the allowed list, or unauthorized if the other party does not appear on the allowed list, (Column 2, lines 3 – 7)];**
and adding the inferred person to the list, **[The administrator may view the content of the allowed list and add, delete and edit the identities of entities appearing on the allowed list, (Column 3, lines 54 – 57)].**
- Regarding claim 47, Dieterman teaches that the method further comprising:
determining that a person is known to the user by accessing a contact list of the user, **[Each message sent by or sent to the user will be categorized as either authorized if the other party to the communication appears on the allowed list, or unauthorized if the other party does not appear on the allowed list, (Column 2, lines 3 – 7)];**
adding the determined person to the list, **[The administrator may view the content of the allowed list and add, delete and edit the identities of entities appearing on the allowed list, (Column 3, lines 54 – 57)].**

- Regarding claim 48, Dieterman teaches the medium wherein the computer program further comprises instructions for causing the computer to: infer that a person is known to the user, **[Each message sent by or sent to the user will be categorized as either authorized if the other party to the communication appears on the allowed list, or unauthorized if the other party does not appear on the allowed list, (Column 2, lines 3 – 7)]**; and add the inferred person to the list, **[The administrator may view the content of the allowed list and add, delete and edit the identities of entities appearing on the allowed list, (Column 3, lines 54 – 57)]**.
- Regarding claim 49, Dieterman teaches the medium wherein the computer program further comprises instructions for causing the computer to: determine that a person is known to the user by accessing a contact list of the user, **[Each message sent by or sent to the user will be categorized as either authorized if the other party to the communication appears on the allowed list, or unauthorized if the other party does not appear on the allowed list,** **(Column 2, lines 3 – 7)]**; and add the determined person to the list, **[The administrator may view the content of the allowed list and add, delete and edit the identities of entities appearing on the allowed list, (Column 3, lines 54 – 57)]**.

Conclusion

The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See **PEP 707.05(c)**.

The following are analogous art because they are from the same field of endeavor of Identifying and using identities deemed to be known to a user:

- Dieterman et al. Paten No: (US 6,393,464)
- Mendiola et al. Paten No: (US 6,920,478)
- Friskel et al. Paten No: (US 6,839,737)
- Wong et al. Paten No: (US 6,839,735)
- Zhu et al. Patent No: (US 7,181,498)
- Skalecki et al. Patent No: (US 6,195,354)
- Evans et al. US Pub No: (US 2005/0198173 A1)
- Tucciarone et al. US Pub No: (US 2003/0009385 A1)
- Bhatia et al. US Pub No: (US 2005/0160144 A1)
- Bulfer et al. US Pub No: (US 2006/0036701 A1)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Shaq Taha** whose telephone number is 571-270-1921. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Put** can be reached on 571-272-6798.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9/18/07

S. Taha



JEFFREY PWU
SUPERVISORY PATENT EXAMINER